

HB

296

RECEIVED MAY 10 1991

**Kodiak
Area
Native
Association**



402 Center Avenue
Kodiak, Alaska 99615
Phone (907) 486-5725

Representative Cliff Davidson
State of Alaska House of Representatives
Box V, Juneau, AK 99811

May 6, 1990

Dear Cliff,

I would like to express my wholehearted support for House Bill 296, as professional archaeologist, and on behalf of the Kodiak Area Native Association. The bill offers long overdue protection for human remains in Alaska, and recognition of the rights and dignity of Native Alaskans. I am particularly pleased with Section 6, which will be one of the few protections available for archaeological sites on private land.

On page 2, line 5 and 6, you might consider legitimately obtained skeletons purchased by physicians and others, which are generally imported from India and other places. Perhaps it would be best to address the bill specifically to human remains from the state of Alaska.

Also, it may be wise to make the proposed dispute committee, described in page 5, lines 27-31, and on page 6, and odd number to avoid split decisions. I would urge you to retain the full representation of the Native community, and consider dropping the area resident.

On the whole the bill is clear, solidly written, and does what it is supposed to. Please accept my thanks, and that of the Native community for introducing this fine piece of legislation. It is fully consistent with your excellent record for supporting and protecting the cultural heritage of Native people.

Sincerely,
KODIAK AREA NATIVE ASSOCIATION
Kelly Simeonoff, President

Rick Knecht
Culture and Heritage
Program Administrator

*Tanana Chiefs Conference, Inc.*

122 First Avenue
Fairbanks, Alaska 99701-4897
(907) 452-8251
Fax (907) 451-8936

May 6, 1991

Representative Cliff Davidson
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Dear Representative Davidson,

Thank you for this opportunity to comment on HB 296. Here are some initial observations for your review.

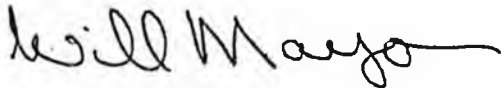
- 1) "Report the presence and location of the remains to the nearest law enforcement agency as soon as possible." The first thought was what are the tribes traditional beliefs regarding the finding of remains. As each subregion has numerous Native burial sites adjacent to villages, many of which are not recorded, might it be the tribe's belief to immediately bury the remains discovered/naturally uncovered at the burial grounds versus contacting the state troopers to conduct their investigations. I am concerned that a class A misdemeanor sentence is quite stringent in such a case and has possibilities of abuse similar to the federal Safeguard program, to the point of where a person may be re-burying naturally unearthed remains of ancestors according to traditional customs, while an unfriendly source uses western law to incarcerate an innocent person.
- 2) The "eminent domain proceedings" section should insure that a situation does not occur such as happened stateside last year where the state and feds allocated numerous dollars to construct a highway which resulted in the disturbances of ancient Native remains that had to be resolved in court under a compromised settlement unfavorable to traditional customs. The state has the resources of a top notch legal department to begin eminent domain proceeding while our tribal governments are financially stressed and are unable to adequately confront the legal resources of the state if it comes down to a lengthy court battle.
- 3) The formation of a "dispute resolution committee" may also be an area of concern, particularly in light of the governor's recent appointment of various Natives to a commission to review Native needs without consulting the Native leadership. On conflicting claims, the governor will establish a committee consisting of a state liaison officer, a physical anthropologist, three descendants and a resident of the area. This could be strengthened by requiring a consultation with Native or committee appointments.

Rep. Davidson
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4) In addition to contacting known descendants by certified mail, the village tribal council should also be notified and otherwise included in the process. The regional non-profit Native organization should be copied with these notices as well. In cases where a known descendant may be incapacitated or unresponsive, the village or regional Native entity should be given the opportunity to be inserted into the process officially.

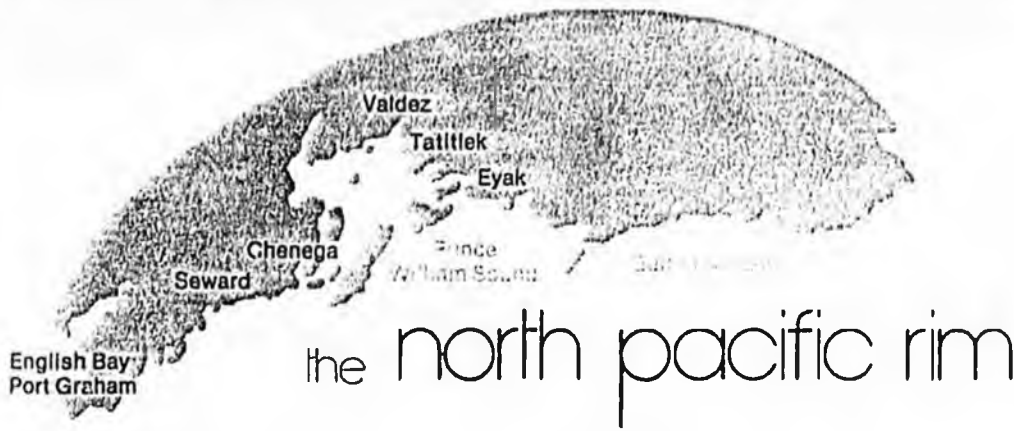
Sincerely,

TANANA CHIEFS CONFERENCE, INC.

A handwritten signature in cursive script that reads "Will Mayo". The signature is written in dark ink and has a long, sweeping horizontal line extending to the right.

Will Mayo
President

WM/tc/nd



May 6, 1991

Representative Cliff Davidson
Chairman
House Resources Committee
State of Alaska
House of Representatives
Box V
Juneau, Alaska 99811

Dear Representative Davidson:

The North Pacific Rim, the Alaska Native regional tribal organization serving the people of the Prince William Sound and lower Kenai Peninsula, is pleased to see the progress of House Bill 296, "An Act relating to human remains and funerary objects." This Act will close a loophole in current state law and provide some much needed protection for Alaska Native burial sites.

We would like to emphasize that we do not view this legislation as being "anti archaeology" or "anti science" in any way. We would like to point out that The North Pacific Rim is incorporating an archaeology component into a youth Spirit Camp project this summer. We view HB 296 as a vehicle for showing respect for the Native cultures of our state and recognizing the right of Native people to protect the graves of their ancestors.

Thank you and the other sponsors for the time and effort you have put into this important piece of legislation.

Sincerely,

Richard A. Rolland
Executive Director



Alaska Federation of Natives, Inc.

May 3, 1991

Mr. Cliff Davidson, Chairman
House Resources Committee
House of Representatives
Box V
Juneau, Alaska 99811

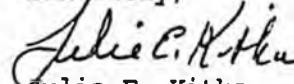
Dear Mr. Davidson:

The Alaska Federation of Natives has followed, with great interest, the repatriation/unmarked burial site hearings of the last one and one-half years. I am pleased to see that progress on the issue has resulted in House Bill 296 now being before the House Judiciary Committee. The Federation supports HB 296 as currently drafted.

As you are well aware, Native burial site disturbances and the removal of remains and funerary objects is an extremely sensitive issue. Time and time again events in Alaska have shown that respect for ancestral remains and Native culture has been readily sacrificed for science and/or personal gain.

The Federation supports HB 296 as presented to the House Judiciary Committee and thanks its sponsors for their efforts in this matter.

Sincerely,


Julie E. Kitka
President

STATE OF ALASKA
House of Representatives
District 27

Representative Cliff Davidson
Chairman
House Resources Committee



Box V, Juneau, AK 99811
(907) 465-2487
Box 746, Kodiak, AK 99615
(907) 486-8250

TO: All Legislators
FROM: Representative Cliff Davidson
DATE: March 13, 1992
SUBJECT: House Bill 296, "An Act relating to human remains and funerary objects."

House Bill 296 is legislation I introduced to address problems the Alaska Native community has had with repatriation of their ancestral human remains.

The recent return of approximately 800 Alaskan Native skeletons and 150 related artifacts to the village of Larsen Bay on Kodiak Island brings an end to the long battle over who has "ownership" of the burial remains removed in the 1930's by an anthropologist from the Smithsonian Institute. Included in this packet, for your information, are news clippings of this event.

House Bill 296 amends the Alaska Historical Preservation Act. It directs those who come across unmarked burial sites to leave interred remains and funerary objects in place, when possible. If disinterred, the remains would be examined by an archaeologist from the Office of Historic Resource Management for closest kinship identification. If identified, a relative would be notified that the remains and funerary objects are available for disposition. If the remains include Native human remains or funerary objects and the department is unable to ascertain the existence and address of living descendants, the department shall contact the decendent's tribe or the governing body of the nearest tribe, if exact tribal identification is not possible. A person would have the opportunity to study human remains and funerary objects by making a request to the tribe or descendant who is granted disposition rights.

I would appreciate your support on House Bill 296.

Thank you.

MEMORANDUM**STATE OF ALASKA**

DEPARTMENT OF NATURAL RESOURCES
 DIVISION OF PARKS & OUTDOOR RECREATION
 Office of History and Archaeology

TO: Carol Wilson
 DNR Special Assistant

DATE: May 8, 1992

THRU: Neil Johannsen *R. Shumaker*
 DPOR Director

FILE NO: 3130-2 AK Legislation

TELEPHONE: 762-2622

FROM: Judith Bittner, Chief *R. Shumaker*
 History and Archaeology

SUBJECT: 2d-CS HB296
 Analysis

STAFF ANALYSIS OF 2d-CS for House Bill 296 "An Act Relating to Human Remains and Funerary Objects"

ANALYSIS

Comments on New Sections Added to AS12.65

Page 1, line 6 in relation to Page 2, line 2 -- The wording "in the state" when coupled with the requirement to "notify the Department of Natural Resources" (Page 2, line 2) will increase the number of incidents being reported to DNR which will require repatriation per the new requirement of this bill under AS41.35.410 (Page 4-5). These provisions make it clear that at least the new portions of AS41.35 apply to all lands within the territorial boundary of the state regardless of ownership. With this extension over private property, it is especially likely that increased conflicts of property rights will arise for which DNR will be the mediator between private land owners and tribal units.

P1, L7 -- Aside from natural erosion, excavations for construction projects are the most likely class of activity which will result in unexpected discovery of human remains. A requirement to cease activity may result in costly delays to construction, even on private lands. In order to be able to respond in a timely fashion, DNR will need a staff person to directly handle these situations. Failure to do so may expose the state to litigation for costs associated with failure to respond promptly. Currently, the staff responding to the few burial discoveries we actually deal with are paid for mostly by RSA funds from other projects -- most notably from the State Crime Lab and DOT. There is no general fund support for this activity.

P1 13 -- The apparent intent here is to exempt persons doing work expected to result in the discovery of human remains from the reporting requirement; eg., professional archaeologists. This seems sound, but making that exemption specific to permits under

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AS41.35.080 is not sufficiently inclusive since DNR only issues such permits for state lands. Federal agencies issue permits under federal authorities that are equivalent to state permits. Since this act applies to all lands within the territorial boundaries, "or federal archaeological permits" should be added to line 13. Burials on private lands is also an issue in regard to this provision; archaeologists working on private lands can also be expected to encounter burials. It would be reasonable to equally exempt those persons from this requirement. Doing so might be accommodated by an addition inserted between lines 13-14 reading, "Likewise, professional archaeologists working on private lands are exempt from the requirements of (a) of this section, but shall promptly report human remains discovery to the Department of Natural Resources." Action by DNR would then follow the normal course, without unnecessarily involving law enforcement agencies the loop.

P2, L3 -- The penalty set in this section seems low given the sensitivity of human burials issues. \$50 is on a par with smoking in a nonsmoking area. With such a low penalty, people may simply not report human remains discoveries and proceed with actions that destroy the burial if their liability is limited to \$50 -- especially when discovery is associated with construction where delays could cost them thousands of dollars. \$1000 per individual represented by the human remains at the grave site would provide more realistic incentive and would be more in line with enforcement costs. Along this same line, the discussion relating to changes to the definition of "historic, prehistoric and archaeological resources" (P4, L4) should be closely considered since the definition change may eliminate "human remains" and "funerary objects" from protection as part of that resource class. Please note that unmarked wording changes have been made at P2, L3-4 in generating this draft.

P2, L5 -- If changing the definition of "historic, prehistoric and archaeological resources" to exclude "human remains" and "funerary objects" eliminates protection of those materials from the provisions of AS41.35.200 thru .215, it would be desirable to extend the list of unlawful act associated with those materials by adding "excavate, remove, injure or destroy; offer to sell, buy or barter; transport within the state resources acquired in violation of this section without a permit from the appropriate state or federal agency charged with managing the specific resource involved."

Comments on Changes and New Additions to AS41.35

P3, L13-23 -- There is a problem with the existing provision and it is compounded by the addition of the new language. Both acquisition by eminent domain proceedings and salvaging of are expensive activities. This section needs to clarify whether DNR is to bear the costs (with identification via fiscal note) or if the private developer is to pay the costs. Additionally, what is to happen if DNR does not act by the end of three months. Is the developer then free to proceed without further consideration of the subject resources? Given the realities of Alaskan winters, it would, in most areas of the state, be entirely possible to notify DNR (perhaps in December) and have three months pass before there was a reasonable opportunity for field examination of the area to be accomplished. While DNR has no objection to the new wording, we wonder what it will actually accomplish.

P4, L4.8 -- Graves are part of archaeological sites, sometimes being intentionally placed within the midden deposits that built up as a result of humans living at a given locality for hundreds of years, sometimes incorporated into the deposits simply because humans began

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to use old grave localities. Graves simply are part of the historic and prehistoric record; the mechanism for their development is only one element of the lives of humans that produce "historic, prehistoric and archaeological resources." Defining them out of the term seems inappropriate and contrary to reality as an average citizen would understand it. However, we all recognize that graves (human remains and funerary objects) deserve special treatment. It would seem more appropriate to focus on the character of that special treatment than delete them from resource categories to which they empirically belong.

Additionally, there are very pragmatic reasons for opposing deletion of human remains and funerary objects from the definition. Deletion appears to remove human remains and funerary objects from protection under AS41.35.200 thru .215 and other places such as AS41.35.060 where authority for acquisition by eminent domain is given. If human remains and funerary objects are defined out of the existing definition of historic prehistoric and archaeological resources, DNR will not have clear authority to acquire such resources via eminent domain. Not having such authority would make the instructions in this bill at P3, L21 impossible to execute.

A similar problem may exist with regard to AS41.35.070 in regard to surveying for historic, prehistoric and archaeological sites and dealing with them in regard to public construction work.

Rather than defining them out of the resource class, it might be more advantageous to focus on the special treatment that these resources deserve and foster a closer working relationship between the concerned native people and archaeologists performing work which is integral to public construction projects or academic research.

P4, L19 -- Tribes as defined by the Secretary of Interior are numerous within Alaska and the territories over which they have interests overlap significantly. This creates potential for complicated determinations of relative interests between tribes and individuals in relation to their own or other tribes. But beyond that issue -- inclusion of this definition of tribe specifically extends tribal status to native villages and regional corporations as part of a state act. Tribal status has been an issue of concern to the current and prior state administrations. This definition and its implications from a broad policy standpoint should be referred to the Attorney General's office and consideration by the Governor.

P4, L30-31 -- "further investigation" will likely take the form of field examination by a professional archaeologist in numerous cases. This provision specifically charges DNR with that investigation and it will cost money to perform that work.

P5, L2-3 -- The provision in L2-3 is geared to the belief that disposal of human remains is by burial in the ground. Disposition of human remains varied considerably in the several regions of the state until recently. In several regions the historic burial pattern was placement on the ground surface or within containers on the surface. The L4-5 requirement for notification can reasonably be interpreted as requiring DNR to notify descendants when such surface burials are discovered even if they are not being disturbed. The requirement to notify descendants that disinterred remains are available for disposition seems to assume that the remains have been collected and examined by DNR staff. Again this will require field work by professional staff. The general public and nonarchaeological staff of DNR do

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not usually have the expertise to collect human remains and funerary objects in an appropriate manner. They are unlikely to be able to record the data pertinent to age and tribal affiliation, or even to be able to consistently identify the full range of funerary objects that occur with human remains. Unless done by professional archaeological staff we are likely to have some very unsatisfactory cases in which the remains are not collected and treated appropriately.

P5, L6-9 -- Determining the closest living descendants and their current addresses could be a difficult and time consuming task. Again, it will come with a cost. In determining closeness of relationship are we to use native kinship systems or Euroamerican system that is in predominant use among the United States populous.

P5, L7-10 -- Likewise, tribal affiliation can be a complicated matter requiring significant research and considerable uncertainty. Tribes move and/or displaced, sometimes moving hundreds of miles. In historic times, there were Indian populations occupying areas occupied by Eskimo groups during prehistoric times. There are even instances in which Indian groups lived like their Eskimo neighbors and are indistinguishable based on the material culture. There are gradual geographic shifts in racial characteristics by which Eskimo and Indian groups are identifiable. In instances of very old remains, tribal relationship probably has very little validity; remains beyond 5,000 years age are likely not related to the modern people resident in a given locality. Tribal, even racial identify, is a difficult and problem fraught area -- specialized professional staff is needed to even begin to adequately address the issues.

P5, L11-13 -- Given the definition of "tribe" being given on P4, numerical predominance will be an interesting problem. The basis for defining tribes is multiple and the areas of influence overlap. If you deal with "regional corporation" as a tribal unit, it will numerically predominate over any of the villages within it and will have control over human remains proceeding its constituent villages.

P5, L17 -- Replace the words "submitted to" with "approved by". There is high variability in regard to what is appropriate disposition of remains and funerary objects. This section relinquishes authority to tribes with no recourse or option once the decision is made which tribe is the "appropriate" entity. It is possible that disposition decisions could be challenged by conflicting claims that postdate disposition. There are some funerary objects of such high cultural significance that disposition which would be damaging to them should not be allowed. At minimum, DNR needs to have the option to negotiate with the tribe in the interest of preservation of the remains and funerary objects. The DNR role should be developed as one of respectful, consistent and responsible stewardship.

GENERAL COMMENT: The relationship of human remains and associated funerary objects with individuals, families, clans, kin groups, tribes, and races becomes increasingly attenuated through time. With that attenuation, the logic of preferential claim diminishes. It would be reasonable to recognize time related attenuation by setting time thresholds at which there is corresponding increase in the right of the more general public to a say in the specific management of the remains and funerary objects. Additionally, there are instances in which the greater public interest in human remains and funerary objects should be served in preference even to the individual, family and tribal interests. This is not a new concept.

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Recently deceased persons are subjected to autopsy and embalming against family wishes. There are clearly instances in which the significance of funerary artifacts, data on their relationship to the human remains, and characteristics of the remains themselves are important to the greater public understanding and appreciation for the culture involved; they should be preserved. As the public entity charged with dealing with these materials it is important that DNR have greater latitude and influence in determining the fate of the materials. There is no objection to having that decision made in consultation with native groups, it is even desirable that it be so, but DNR needs to come to the table as an equal in the public interest.

P5, L25-31 - The concept of a committee to deal with conflict resolution for human remains and funerary objects is a sound approach. However, DNR recommends a somewhat different structure with clarified duties, responsibilities and structure. The existing version of AS41-35 specifies the existence of a Historic Sites Advisory Committee to advise the Commissioner and Governor on historic preservation matters. The committee has native Alaskan representation. It would seem appropriate to use that committee in dealing with burial issues. An advantage of doing so is that the individuals serving on the committee are familiar with the context of the state's overall historic preservation program, receive training related to the issues involved, and have some measure of objective independence to resolve the dilemmas likely to be presented to them. Serious consideration should be given to using the Historic Sites Advisory Committee to resolve disputes relating to burials. While the descendants and representatives of tribes with colorable claims to the remains should play an integral role in the dispute resolution, they are likely to have strong vested interests in the case and lack objectivity. After all, the reason for forming the committee is to resolve conflicting claims among the very people being assigned to the committee. It would appear to set up an inherent conflict of interest situation. It might be better to have the people with a claim to the remains presenting their case to an objective, experienced committee. If you choose not to use the Historic Sites Advisory Committee (their existing work load may make it desirable to have a separate committee), it should have membership that has reasonable duration of service so that they can receive training in their duties and serve for sufficient lengths of time that decisions are consistent and in tune with pertinent state and federal laws. Forming a committee to deal with single instances of conflict on individual burials seems cumbersome.

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

DIVISION OF PARKS AND OUTDOOR RECREATION
Office of History and Archaeology

WALTER J. HICKEL, GOVERNOR

3001 C STREET, Suite 1278
ANCHORAGE, ALASKA 99503
PHONE: (907) 762-2622

MAILING ADDRESS:
P.O. Box 107001
ANCHORAGE, ALASKA 99510-7001

8 May 1992

The Honorable Cliff Davidson
Chairman, House Resources Committee
Alaska State Representative
State Capital, Room 108
Juneau, AK 99801-1182

Dear Representative Davidson:

As you requested in your letter of May 1, 1992, I am providing you a synopsis of unmarked burial site discoveries that involved the Office of History and Archaeology (OHA) during the past two years.

OHA has responsibilities based on state laws (AS 41.35) and regulations and the State Historic Preservation Officer (SHPO) program authorized by the National Historic Preservation Act (NHPA). Section 106 of the NHPA requires the SHPO to review Federal projects for conflicts with heritage resources. With the recent passage of Native American Graves Protection and Repatriation Act (NAGPRA), all project review consultations include consideration of what actions are appropriate if unmarked burials are encountered.

OHA is involved in discovery of unmarked burial sites in several ways. These are through field surveys conducted by this office, activities of other state agencies, Section 106 process activities, oil spill related activities, recording site locations of reported burials for inclusion on the state inventory of sites, forensic analyses provided for the Scientific Crime Detection Laboratory (Crime Lab), and consultation with the general public.

OHA Field Activities

The OHA conducts field research through our Archaeological Survey Unit which is funded predominantly by Alaska Department of Transportation and Public Facilities (ADOT&PF) projects using federal funds for construction of airports and highways. In areas where a high probability for the discovery of human remains exists, ADOT&PF (acting on behalf of the Federal Highway Administration) conducts consultations with the appropriate native groups on the treatment of burials prior to field work by OHA archaeologists. In the past two years, no projects have been conducted in areas where the discovery of unmarked burials was considered probable.

Representative Cliff Davidson

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Activities of Other State Agencies

In the past two years, the OHA has been involved in two instances of the discovery of unmarked burials as a result of the actions of or referrals by other state agencies:

(a) ADOT&PF road maintenance near Haines (Chilkoot Lake) resulted in the recovery of human remains. In cooperation with the Bureau of Land Management, personnel from the OHA helped excavate two disturbed skeletons. A member of the local tribal group was present during excavation. These remains were analyzed and a report on the physical character of the bones was generated prior to being returned to the Chilkoot Native Association for reburial. Part of the costs incurred during this project were paid by ADOT&PF.

(b) The second instance was a referral from the Scientific Crime Detection Laboratory. An individual found a human mandibular fragment in a U.S. Forest Service (USFS) cabin used by a nordic ski group. The remains were probably collected from an archaeological site by one of the people training at the center. Because the remains were apparently recovered from federally owned lands, they are currently being held by the OHA until collection by a representative of the Chugach National Forest for disposition under NAGPRA.

Project Review Related Actions

Project review consultation with federal agencies involve NAGPRA considerations. In the past two years this office has been involved in two such consultations where burials were encountered:

(a) During the construction of City of Gambell's water and sewage improvements by the Village Safe Water project (Department of Environmental Conservation) with Public Health Service (PHS) funds, several burials were found while trenching to lay pipe. After consultation with the SHPO, an archaeologist was hired by PHS to monitor the remainder of the trench excavations and recover skeletal remains as they were encountered. These remains were turned over to the village corporation after their removal for reinterment in a nearby location (consistent with provisions of NAGPRA). The federal agency was responsible for making arrangements with the village corporation.

(b) During consultations with Public Health Service staff in preparation for additions to water lines in Larsen Bay, SHPO staff highly recommended the presence of an archaeological monitor during excavations in areas thought to contain evidence of ancient occupations. A burial containing the remains of three individuals was recovered during excavation for the water line. The remains are currently undergoing analysis by the PHS archaeologist. SHPO staff are advising coordination by PHS of the final disposition through the local native group. Because this is a federal project, the federal agency is bound by NAGPRA.

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Oil Spill Related Activities

As a result of OHA involvement in cleanup activities following the EXXON-VALDEZ Oil Spill, the OHA received reports of a number of unmarked burial sites. Not all of the unmarked burial sites (particularly cave sites) were known prior to the oil spill. To avoid damage to these sensitive cultural resources, an archaeological monitor was required at each of the beach segments when any cleanup activity was scheduled. In only two instances were remains removed from their original area of internment:

(a) On July 8, 1989, the leader of a native cleanup crew working in the Kodiak area reported finding a badly decomposed body to the Exxon supervisor who reported it to the field operations office. The State Troopers were notified and the remains were removed to the Anchorage Crime Lab for identification. These skeletal remains were examined by OHA personnel and Dr. John E. Lobdell, a physical anthropologist, and determined to be prehistoric on the basis of the presence of associated cultural material and skeletal traits. The final disposition is still pending.

(b) The second incident involved the removal of human skeletal remains from a burial cave on Knight Island. The cave was discovered by a oil spill beach security guard. The State Troopers were notified and some remains were removed from the cave and transferred to the Crime Lab for analysis. Sometime prior to the State Troopers collecting the remains, unsanctioned removal of several skeletal elements occurred. The individual responsible for this illicit activity was later prosecuted and all skeletal remains taken from the cave were reburied near the cave entrance by representatives of Chugach Alaska Corporation. Reburial efforts were coordinated by USFS in consultation with OHA.

Reports of Sites

OHA maintains an inventory of all reported sites for the State of Alaska. This inventory, the Alaska Heritage Resources Survey (AHRs), receives reports of the discovery of skeletal remains by other agencies (typically federal agencies). These reports are incorporated into the AHRs listings which are used by SHPO staff in reviewing development projects. In the past two years, unmarked burial sites have been reported to this office, but the exact number is not immediately ascertainable. We do not maintain sites of unmarked burials as a separate category.

Representative Cliff Davidson

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Forensic Analyses

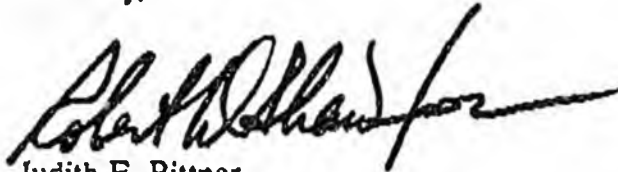
The OHA has a Reimbursable Services Agreement with the Scientific Crime Detection Laboratory for the analysis of skeletal remains. The Crime Lab does not have resident experts in the analysis of skeletal remains and, therefore, uses OHA personnel on an intermittent basis. In the past two years, OHA office personnel have been involved in 23 cases. All cases are treated as criminal investigations and follow legal requirements for chain of custody.

General Public Consultations

Because staff of the OHA have expertise in skeleton analysis, we were requested by John Johnson of Chugach Alaska Corporation to analyze a skeleton recovered from Yukon Island, prior to its reburial by the people of English Bay and Port Graham. We are in the process of preparing a report as a professional courtesy and public service.

If you have any further questions regarding actions of OHA in the discovery and mitigation of unmarked burial sites, please feel free to contact me at 762-2622.

Sincerely,



Judith E. Bittner
Chief, Office of History and Archaeology

cc: Neil Johannsen, Director DPOR
Carol Wilson, Special Assistant, DNR Commissioner's Office

DIVISION OF LEGAL SERVICES

LEGISLATIVE AFFAIRS AGENCY STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

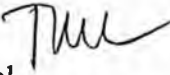
240 Main Street, Suite 500
Juneau, Alaska 99801-2101

MEMORANDUM

May 10, 1992

SUBJECT: Human Remains and Funerary Objects (2d CSHB
296(Resources))

TO: Representative Cliff Davidson

FROM: Terri Lauterbach 
Legislative Counsel

You have asked whether sec. 6 of the above-referenced bill would "shut down all construction projects for 3 months until discovered human remains' and funerary objects' descendants are identified."

In my opinion, sec. 6 has nothing to do with shutting down construction projects. However, other sections of the bill might affect them.

Section 6 relates only to privately owned, officially designated state monuments and historic sites. And the new language in sec. 6 pertains only to construction that "involves **known** reasonably identifiable human remains or funerary objects." Most likely, the sites are monuments or historic sites precisely because they are known to have remains or funerary objects on them. Section 6 merely requires that someone intending to make improvements at these sites must not only give 3 months' prior notice to the department (current law), but also to the identifiable descendants (new language). The notice can be given in the winter for a summer construction season.

The discovery of remains **during** public construction projects or construction on private land **other** than designated monuments and historic sites is covered under secs. 4 and 8 of the bill. AS 41.35.420(c), which would be enacted by sec. 8, directs the department to leave discovered remains interred "when possible" while identification and notice procedures take place. The legislature may wish to change this subsection, based on policy considerations. For instance, the language could be changed to the following:

(c) If human remains or funerary objects described in (a) and (b) of this section are not disinterred, the department shall leave them in the place where they are interred unless they are likely to be destroyed by natural or

Representative Cliff Davidson
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human actions if left in place. If the human remains or funerary objects are likely to be destroyed if left in place, the department shall disinter them and give them appropriate protective care...(rest of subsection continues.) (New language underlined.)

With the above language, there would still be some delay while the department disinterred the remains or objects, but it would not necessarily be three months. It might be eight hours or it might be six months, depending on the nature of the discovery. Meanwhile, the notice to possible descendants and the identification of the remains could be taking place.

I hope this discussion is helpful to you. Please let me know if I can be of further assistance.

TML:lmb
92-119.lmb

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

WALTER J. HICKEL, GOVERNOR

400 WILLOUGHBY AVENUE
JUNEAU, ALASKA 99801-1796
PHONE: (907) 465-2400
FACSIMILE: (907) 586-2754

May 8, 1992

The Honorable Lloyd Jones, Chair
Senate Resources Committee
State Capitol
Juneau, AK 99811-1182

Dear Senator Jones:

Subject: 2d CSHB 296 (Resources), relating to human remains and funerary objects.

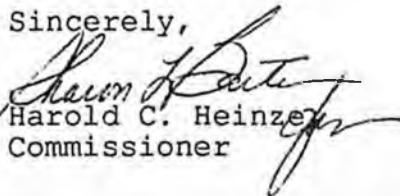
Position: The Department of Natural Resources supports the intent of this bill, to ensure that human remains and funerary objects with historic or prehistoric significance are treated with dignity and returned to relatives or tribal entities, but cannot take on these new statutory responsibilities without additional funding.

Determining the ethnic and individual identity of human remains is not an easy task and will require specialized expertise. Providing official notices, completing historical research, training existing agency personnel, and staffing the dispute mediation committee will all require additional funds.

Recommendation: If this bill is passed, provide the department with sufficient funding (see attached DNR fiscal note) to meet its new responsibilities.

Please contact me or the State Historic Preservation Officer Judy Bittner if you have additional questions.

Sincerely,


Harold C. Heinze
Commissioner

cc: Representative Davidson
Paul Fuhs, Legislative Liaison, Office of the Governor
Judy Bittner, SHPO, Division of Parks and Outdoor Recreation

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. 2DCSHB 296 (Res)

Revision Date: 7-May-92 Department Affected: Natural Resources
 Title: An Act Relating to Human Remains and Funerary Objects BRU: Parks & Outdoor Recreation
 Components: Historic Resource Management
 Sponsor: Representative Davidson
 Requestor: Senate Finance COMPONENT SERIAL NO. 451

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	55.9	57.2	58.5	59.8	61.1	62.4
TRAVEL	24.3	26.3	28.3	30.3	32.3	34.3
CONTRACTUAL	22.7	23.7	24.7	25.7	26.7	27.7
SUPPLIES	1.2	1.3	1.4	1.5	1.6	1.7
EQUIPMENT	8.7					
LAND&STRUCTURES						
GRANTS,CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	112.8	108.5	112.9	117.3	121.7	126.1

CAPITAL						
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REVENUE						
Funding Source:						

FUNDING: (Thousands of Dollars)

GENERAL FUND	112.8	108.5	112.9	117.3	121.7	126.1
FEDERAL FUNDS						
OTHER						
Funding Source:						
TOTAL	112.8	108.5	112.9	117.3	121.7	126.1

POSITIONS:

FULL-TIME	1.0	1.0	1.0	1.0	1.0	1.0
PART-TIME						
TEMPORARY						

Estimate of Current year impact:

ANALYSIS: (Attach a separate page if necessary)

Provision should be made in this bill to allow the department to recover the costs of activities required by this bill from the person(s) responsible for disinterring human remains and funerary objects. The public should not be required to shoulder the entire burden of costs.

Prepared by: Bob Shaw/Judy Bittner Phone: 762-2622
 Division: Parks and Outdoor Recreation Date: 7-May-92

Approved by Commissioner: Harold C. Heip Date: 7-May-92
 Agency: Department of Natural Resources

Distribution (by preparer) : Legislative Finance, legislative Sponsor, Requestor, OMB,
& Impacted Agency(ies).

FISCAL NOTE ANALYSIS

Assumptions: This bill will significantly increase identification and reporting of human burials annually. Ethnic and individual identity will be difficult to establish. DNR will not routinely fund investigations of burials on non-state lands.

Program Summary: An Archaeologist II (new position) will implement the bill provisions. Specific duties will include: drafting regulations changes specific to HB-296 requirements; archaeological field examination and excavation of disturbed burials; analysis of human remains and funerary objects; determination of ethnic affiliation; historic research to determine individual person identify for historic period remains; forensic anthropology consultation with State crime lab personnel; training on human bone identification to Alaska State troopers; consultation with tribal units on ethnic identification of burials and curation/reburial issues; participation in a technical committee appointed by the Governor to mediate burial claims disputes; timely notification of tribes of burials in which they may have interests and processing of tribal claims for burial remains; record keeping and management of state administered human remains collections.

In addition to one new staff, physical anthropologists with specialized topical or regional expertise will be routinely required (Annual need 20 days at \$400/day = 8.0 contractual) to supply expert opinion on ethnic affiliation. These experts may be appointed to the gubernatorial committee to adjudicate claims disputes and occasionally to make field inspections. Burials are routinely encountered in remote areas as well as rural villages, requiring travel to inspect the remains in their disturbed context. Since burials often are in archaeological deposits, care must be taken in the field to recover associated funerary objects as specified by the bill. The remote locations and sometimes volatile emotional nature of burial issues will make two person investigation teams necessary.

Economic Impact: No income production is anticipated from this bill.

Impact on Local Government: Distribution of burials is statewide and impacts on local governments will be dependent on the number of development projects they undertake. Specific impacts are not precisely predictable, but will be ameliorated by good project planning in advance of construction start-up. There will also be impacts to persons developing their private lands since they may also occasionally encounter burials.

PERSONNEL SERVICES

Archaeologist II (Range 18A = \$4658/mo w/ benefits) 55.9

TRAVEL

Staff Commercial air for 10 incidents
(Archaeo + assistant) \$400per ticket (20 tickets) 8.0
For committee (3 people w/air r/t \$400ea -- 3 incidents) 3.6
For consultant physical anthropologist - 3 trips \$400ea 1.2
Per diem for all above 115 days at \$100/day 11.5

CONTRACTUAL

Physical Anthropologist (\$400/day for 20 days) 8.0
Air charter 2.5
Radio repeater service (Trident) .3
Film processing .4
Postage .4
Misc. xerox, phone .4
Archaeological field assistant (1.1 months Archaeologist I
Range 16D = \$4294/mo w/ benefits) 4.7
Frontier office space rental at \$3.06/sq. ft/month
Staff office 64 sq. ft + 100 sq. ft storage and analysis 6.0

SUPPLIES

Packing for human and funerary objects .6
Office supplies .4
Film .2

EQUIPMENT

Computer 1.8
Office (desk, file cabinet, chair, bookcase, table, partitions,
computer table) 2.3
Forensic instruments and measuring devices 2.6
Locking storage cabinet .8
Emergency radio .6
Camera w/ macrolens .6

112.8

Position Title Archaeologist II		No. of Positions	Range/Step 1B/A	Org. Unit GGU
Time Status PFT	Staff Months 12	Location Anchorage		District Medford District
Type of Expenditure		Amount		
1	2	3		
Salary	38,592.00			
Benefit	14,644.32			
Premium Pay				
Other				
Total Personal Services		55.9		
Travel		8.0		
Contractual		9.6		
Commodities		1.2		
Equipment		8.7		
Other				
Total Cost		83.4		
Funding Source for Total Cost				
Federal Receipts	1002			
G. P. Match	1003			
General Fund	1004	83.4		
I.A. Receipts	1006			
CIP Receipts	1061			
Other				
		83.4		
<p>Justification</p> <p>11B-296 requires identification of human remains and funerary objects statewide for the purpose of returning the remains to relatives or native tribal entities for reburial. Decisions as to the group which will receive the materials will be based on a preponderance of evidence compiled from physical anthropological characteristics of the human remains and the artifact characteristics of the funerary objects. Research to compile and evaluate that evidence will require an experienced archaeologist (with specialized skills in forensic anthropology or human osteology) or a physical anthropologist with training and experience in field archaeology. Detailed knowledge of the physical characteristics of Alaskan regional populations must be developed by the incumbent to allow assignment of ethnicity to human remains. Identification of funerary objects will also require detailed knowledge of archaeology statewide. Special skills are required above those normally held by field archaeologists and are not routinely and dependably available as contracted services. A full-time position is required to insure expertise availability and meet the anticipated work load.</p>				

**Request For
New Position**

Agency Natural Resources
 BRU Park and Recreation Management
 Component State Historic Preservation Program

Page 1 of 1
 Revised Date

FY 93

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. 2DCSHB 296 (Res)

Revision Date: 7-May-92 Department Affected: Natural Resources
 Title: An Act Relating to Human Remains and Funerary Objects BRU: Parks & Outdoor Recreation
 Components: Historic Resource Management
 Sponsor: Representative Davidson
 Requestor: Senate Finance COMPONENT SERIAL NO. 451

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	55.9	57.2	58.5	59.8	61.1	62.4
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CONTRACTUAL	22.7	23.7	24.7	25.7	26.7	27.7
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LAND&STRUCTURES						
GRANTS,CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	112.8	108.5	112.9	117.3	121.7	126.1

CAPITAL						
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REVENUE						
Funding Source:						

FUNDING: (Thousands of Dollars)

GENERAL FUND	112.8	108.5	112.9	117.3	121.7	126.1
FEDERAL FUNDS						
OTHER						
Funding Source:						
TOTAL	112.8	108.5	112.9	117.3	121.7	126.1

POSITIONS:

FULL-TIME	1.0	1.0	1.0	1.0	1.0	1.0
PART-TIME						
TEMPORARY						

Estimate of Current year impact:

ANALYSIS: (Attach a separate page if necessary)

Provision should be made in this bill to allow the department to recover the costs of activities required by this bill from the person(s) responsible for disinterring human remains and funerary objects. The public should not be required to shoulder the entire burden of costs.

Prepared by: Bob Shaw/Judv Bittner Phone: 762-2622
 Division: Parks and Outdoor Recreation Date: 7-May-92
 Approved by Commissioner: Harold C. Heintz Date: 7-May-92
 Agency: Department of Natural Resources

Distribution (by preparer) : Legislative Finance, legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

FISCAL NOTE ANALYSIS

Assumptions: This bill will significantly increase identification and reporting of human burials annually. Ethnic and individual identity will be difficult to establish. DNR will not routinely fund investigations of burials on non-state lands.

Program Summary: An Archaeologist II (new position) will implement the bill provisions. Specific duties will include: drafting regulations changes specific to HB-296 requirements; archaeological field examination and excavation of disturbed burials; analysis of human remains and funerary objects; determination of ethnic affiliation; historic research to determine individual person identify for historic period remains; forensic anthropology consultation with State crime lab personnel; training on human bone identification to Alaska State troopers; consultation with tribal units on ethnic identification of burials and curation/reburial issues; participation in a technical committee appointed by the Governor to mediate burial claims disputes; timely notification of tribes of burials in which they may have interests and processing of tribal claims for burial remains; record keeping and management of state administered human remains collections.

In addition to one new staff, physical anthropologists with specialized topical or regional expertise will be routinely required (Annual need 20 days at \$400/day = 8.0 contractual) to supply expert opinion on ethnic affiliation. These experts may be appointed to the gubernatorial committee to adjudicate claims disputes and occasionally to make field inspections. Burials are routinely encountered in remote areas as well as rural villages, requiring travel to inspect the remains in their disturbed context. Since burials often are in archaeological deposits, care must be taken in the field to recover associated funerary objects as specified by the bill. The remote locations and sometimes volatile emotional nature of burial issues will make two person investigation teams necessary.

Economic Impact: No income production is anticipated from this bill.

Impact on Local Government: Distribution of burials is statewide and impacts on local governments will be dependent on the number of development projects they undertake. Specific impacts are not precisely predictable, but will be ameliorated by good project planning in advance of construction start-up. There will also be impacts to persons developing their private lands since they may also occasionally encounter burials.

PERSONNEL SERVICES

Archaeologist II (Range 18A = \$4658/mo w/ benefits) 55.9

TRAVEL

Staff Commercial air for 10 incidents
(Archaeo + assistant) \$400per ticket (20 tickets) 8.0
For committee (3 people w/air r/t \$400ea -- 3 incidents) 3.6
For consultant physical anthropologist - 3 trips \$400ea 1.2
Per diem for all above 115 days at \$100/day 11.5

CONTRACTUAL

Physical Anthropologist (\$400/day for 20 days) 8.0
Air charter 2.5
Radio repeater service (Trident) .3
Film processing .4
Postage .4
Misc. xerox, phone .4
Archaeological field assistant (1.1 months Archaeologist I
Range 16D = \$4294/mo w/ benefits) 4.7
Frontier office space rental at \$3.06/sq. ft/month
Staff office 64 sq. ft + 100 sq. ft storage and analysis 6.0

SUPPLIES

Packing for human and funerary objects .6
Office supplies .4
Film .2

EQUIPMENT

Computer 1.8
Office (desk, file cabinet, chair, bookcase, table, partitions,
computer table) 2.3
Forensic instruments and measuring devices 2.6
Locking storage cabinet .8
Emergency radio .6
Camera w/ macrolens .6

112.8

Position Title Archaeologist II		No. of Positions	Range/Step 18/A	Barg. Unit GGU
Time Status PFT	Start Month 12	Location Anchorage		District District
Justification				
<p>HB-296 requires identification of human remains and funerary objects statewide for the purpose of returning the remains to relatives or native tribal entities for reburial. Decisions as to the group which will receive the materials will be based on a preponderance of evidence compiled from physical anthropological characteristics of the human remains and the artifact characteristics of the funerary objects. Research to compile and evaluate that evidence will require an experienced archaeologist (with specialized skills in forensic anthropology or human osteology) or a physical anthropologist with training and experience in field archaeology. Detailed knowledge of the physical characteristics of Alaskan regional populations must be developed by the incumbent to allow assignment of ethnicity to human remains. Identification of funerary objects will also require detailed knowledge of archaeology statewide. Special skills are required above those normally held by field archaeologists and are not routinely and dependably available as contracted services. A full-time position is required to insure expertise availability and meet the anticipated work load.</p>				
Type of Expenditure		Amount		
1	2	3		
Salary	38,592.00			
Benefits	14,644.32			
Pension Pay				
Other				
Total Personal Services		55.9		
Travel		8.0		
Contractual		9.6		
Commodities		1.2		
Equipment		8.7		
Other				
Total Cost		83.4		
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	83.4		
I.A. Receipts	1006			
CIP Receipts	1061			
Other				
		83.4		

**Request For
New Position**

Agency Natural Resources
 BRU Park and Recreation Management
 Component State Historic Preservation
Program

FY 93

Page 1 of 1
 Revised Date

STATE OF ALASKA
1992 LEGISLATIVE SESSION

FISCAL NOTE

No. 4
 Bill Version: CSHB 296 (JUD)
 (H) Publish Date: 2/18/92

Revision Date: 01/16/92 Department Affected: Public Safety
 Title: An Act relating to human remains and funerary objects. BRU: Alaska State Troopers
 Sponsor: Representative Davidson Component: Detachments
 Requestor: House Rules COMPONENT SERIAL NO.

7	9	9
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EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
FUND SOURCE:						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER FUND SOURCE:						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary.)

No fiscal impact upon the Division of Alaska State Troopers is anticipated.

Prepared By: Gayle A. Horetski Phone: 465-4322
 Division: Alaska State Troopers Date: 01/20/92
 Approved by Commissioner: Gayle A. Horetski for Richard L. Burton
 Agency: Department of Public Safety Date: 01/20/92

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legis. Ofc., & Impacted Agency(ies).

COMMITTEE COPY

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

3
Version: CSHB 296 (JUD)
(H) Publish Date: 2/18/92

Revision Date: _____ Department Affected: Natural Resources
 Title: Re: Human Remains and Funerary BRU: _____
objects Component: _____
 Sponsor: Rep. Davidson
 Requestor: House Finance Committee COMPONENT SERIAL NO.

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EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
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REVENUE FUND SOURCE:	-0-	-0-	-0-	-0-	-0-	-0-
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FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER FUND SOURCE:						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.)

Prepared By: Rep. Mike Navarre, Co-Chair *Mike Navarre* Phone: 465-3706
Rep. Eileen MacLean, Co-Chair *Eileen MacLean* Phone: 465-3722
 Division: House Finance Committee Date: Feb. 18, 1992

Approved by Commissioner: _____
 Agency: _____ Date: _____

Committee Copy

HOUSE BILL 296
"RELATING TO HUMAN REMAINS AND FUNERARY OBJECTS"

<u>ISSUE</u>	<u>CURRENT LAW</u>	<u>HB 296</u>
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TITLE 12

Discovery of Human Remains

No direction on who to contact.

Contact nearest law enforcement. Violation with \$50 fine for not reporting. Class A misdemeanor to sell, buy or barter human remains. *(Current statute, AS 41.35.200(c) has a Class A misdemeanor penalty for digging in gravesites.)*

TITLE 41

ALASKA HISTORIC PRESERVATION ACT

State Lands

State reserves title to all historical, prehistoric & archaeological resources on state land. Preserved and administered by DNR. Study allowed by permit. Public construction stops until site is expeditiously salvaged. Law stays the same. Class A misdemeanor to excavate, destroy, deface gravesites.

Human remains and funerary objects are separated from "resource" definition. Treated differently because of cultural significance. Study allowed by request. Leave remains intact if possible. If not, try to reasonably define descendants or if can't, and remains include Native remains contact nearest governing body of the predominate tribe in the discovery area.

Federal Lands

Archaeological Resources Protection Act protects archaeological resources and sites which are on federal lands.

No change. Title 12 change in HB 296 requires law enforcement be notified of discovery.

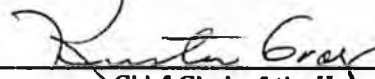
Private Lands

Historical resources on private land belong to the land owner. State can obtain through eminent domain proceedings.

Human remains & funerary items are separated from the resource definition. Discovery must be reported and disposition procedure followed as on state lands.

**ALASKA STATE LEGISLATURE
HOUSE BILL NO. 296**

HISTORY IN THE HOUSE

1991	Read first time and referred to: <u>Jud FIN</u>																								
4/22																									
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2/28	<table style="width:100%; border:none;"> <tr> <td style="width:15%;"><u>RES</u></td> <td style="width:10%;">RPT</td> <td style="width:10%;">CS(RES)</td> <td style="width:10%;">New Title</td> <td style="width:10%;"></td> <td style="width:10%;"></td> <td style="width:10%;"></td> <td style="width:10%;"></td> </tr> <tr> <td><u>3</u></td> <td>DP</td> <td><input checked="" type="checkbox"/></td> <td>DNP</td> <td><u>2</u></td> <td>NR</td> <td><input checked="" type="checkbox"/></td> <td>AM</td> </tr> <tr> <td></td> <td>FN</td> <td></td> <td>OFN</td> <td></td> <td></td> <td></td> <td>Previous FN</td> </tr> </table>	<u>RES</u>	RPT	CS(RES)	New Title					<u>3</u>	DP	<input checked="" type="checkbox"/>	DNP	<u>2</u>	NR	<input checked="" type="checkbox"/>	AM		FN		OFN				Previous FN
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2-18	Read second time																								
2-18	CS(JUD) Adopted																								
2-18	Held to next calendar w/amend pending; Amended, <small>amend withdrawn</small> referred to RES																								
3/18	2nd CS(RES) adopted;																								
3/23	Advanced																								
3/23	Read third time																								
	Return to second for specific amendment																								
3/23	<table style="width:100%; border:none;"> <tr> <td style="width:50%;">PASSED</td> <td style="width:50%;">EFD Same ___ or</td> </tr> <tr> <td>Yeas 37</td> <td>Yeas</td> </tr> <tr> <td>Nays 1</td> <td>Nays</td> </tr> <tr> <td>Excused 2</td> <td>Excused</td> </tr> <tr> <td>Absent <input checked="" type="checkbox"/></td> <td>Absent</td> </tr> </table> <p>___ Intent adopted</p>	PASSED	EFD Same ___ or	Yeas 37	Yeas	Nays 1	Nays	Excused 2	Excused	Absent <input checked="" type="checkbox"/>	Absent														
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3/23	Reported correctly engrossed Signed by Speaker, to the Senate																								
	 Chief Clerk of the House																								

HISTORY IN THE SENATE

1992	Read first time and referred to: <u>RES, FIN</u>																					
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HOUSE-SENATE HISTORY Continued

19

Received from the Senate _____

Concur in Senate amendment
Y ___ N ___ E ___ A ___
_____ Efd same or Y ___ N ___ E ___ A ___

Failed to concur Senate amendment, ask Senate recede
Y ___ N ___ E ___ A ___

Senate failed to \ receded from amendment
Y ___ N ___ E ___ A ___

CC appointed by House _____ Chair

CC appointed by Senate _____ Chair

(H) Granted Limited Powers of Free Conference

(S) Granted Limited Powers of Free Conference

19

(H) Adopted CC Rpt _____
Y ___ N ___ E ___ A ___
_____ Efd same or Y ___ N ___ E ___ A ___

(S) Adopted CC Rpt _____
Y ___ N ___ E ___ A ___
_____ Efd same or Y ___ N ___ E ___ A ___

To enrolling
Reported enrolled and sent to Governor

_____ By Governor

Legislative Resolve Number _____

Filed with Lieutenant Governor